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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,522	09/14/2001	Zhan Cui	36-1484	4379

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EXAMINER	
KANG, INSUN	

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/936,522	CUI ET AL.	
	Examiner	Art Unit	
	Insun Kang	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 9-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 9-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed 2/18/2005.

2. As per applicant's request, claim 8 has been cancelled, claims 1-7 and 9 have been amended and claims 10-17 have been added. Claims 1-7 and 9-17 are pending in the application.

Specification

3. The objection to the specification has been withdrawn due to the amendment to the Specification and the applicant's remark regarding the reference incorporation is persuasive.

Claim Rejections - 35 USC § 112

4. The rejections to claims 1-7 have been withdrawn due to the amendments to the claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7 and 10-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Marazakis et al. (Management of Work Sessions in Dynamic Open environments, 8/1998) hereinafter referred to as "Marazakis."

Per claim 1:

Marazakis discloses:

- a process management system arranged in operation to manage resources to carry out processes to provide one or more services and a data analysis system for use in storing and analyzing data generated during use of said process management system (i.e. "Management applications, acting as clients of the monitor service, may invoke the GetRecs...GetAllRecs methods in order to correlate log records...collecting performance-related data to identify bottlenecks...the producers of log records can provide sufficient state information," page 5 second paragraph of the left column)

data storage for storing:

a) service definitions each identifying at least one process associated with provision of a service by the process management system ("The entry for a resource in the repository includes all the essential information that enable monitoring and control of the component...Aurora monitor service. It consists of methods to register and unregister a task...to provide a log record...to retrieve either a specific record identified by its persistent key of type RECID," page 5 first paragraph of the left column)

b) a log of processes allocated, by the process management system in use, to respective resources managed by said process management system to provide a

service ("its monitoring mechanisms that allows each service provider to log information about its own state and its interactions with others, supports monitoring of pair-wise interactions between parties. A session may span multiple distributed resources, owned by autonomous providers, Keeping track of the activities of tasks is achieved by requiring each container to register with the logging system...the logging systems of session managers constitute the basis of a distributed monitoring infrastructure," page 4, first paragraph of the right column)

c) a log of states of said resources, arising in use of the process management system to provide the service, with respect to carrying out the allocated processes ("its monitoring mechanisms that allows each service provider to log information about its own state and its interactions with others, supports monitoring of pair-wise interactions between parties...The Aurora monitor enables a client...to collect all log records about events of interest to the execution of a workflow...tracking the progress and current state of service flows," page 4, first paragraph of the right column)

-one or more inputs for receiving d) a service request identifying a data analysis service to be provided by the data analysis system to the process management system ("Management applications, acting as clients of the monitor service, may invoke the GetRecs...GetAllRecs methods in order to correlate log records...collecting performance-related data to identify bottlenecks...the producers of log records can provide sufficient state information," page 5 second paragraph of the left column)

e) data, provided by said process management system in use, for storage in said log of processes and said log of states (page 2, right column, second paragraph)

-a data analyzer for analyzing the logged process and state information ("Management applications, acting as clients of the monitor service, may invoke the GetRecs... GetAllRecs methods in order to correlate log records... collecting performance-related data to identify bottlenecks... the producers of log records can provide sufficient state information to enable a management application to cancel or modify the effects of an action," page 5 second paragraph of the left column)
-the data analysis system being arranged to generate, and output to the process management system, a performance measure with respect to said resources, based on analysis of the logged process and state information("Management applications, acting as clients of the monitor service, may invoke the GetRecs... GetAllRecs methods in order to correlate log records... collecting performance-related data to identify bottlenecks... the producers of log records can provide sufficient state information to enable a management application to cancel or modify the effects of an action," page 5 second paragraph of the left column)
as claimed.

Per claim 2:
The rejection of claim 1 is incorporated, and further, Marazakis teaches:
the log of states is maintainable during use of an identified process management system in providing more than one instance of a service such that performance of at least one resource may be analyzed with respect to each of said instances ("This infrastructure enables tracking the progress and current state of service flows, as well

as maintaining the interaction history for each participant," page 4 first paragraph of the right column) as claimed.

Per claim 3:

The rejection of claim 1 is incorporated, and further, Marazakis teaches:

the log of states is maintainable during use of an identified process management system in providing instances of at least two different services, such that performance of at least one resource may be analyzed with respect to each of said instances("level of performance of all entities involved in workflow processing be tracked and maintained according to predetermined levels," page 1 first paragraph of the right column) as claimed.

Per claim 4:

The rejection of claim 1 is incorporated, and further, Marazakis teaches:

the data analyzer measures the number of occurrences of a particular state for respective resources and the performance measure is determined according to whether the number of occurrences reaches a predetermined threshold ("level of performance of all entities involved in workflow processing be tracked and maintained according to predetermined levels," page 1 first paragraph of the right column) as claimed.

Per claim 5:

The rejection of claim 4 is incorporated, and further, Marazakis teaches:

rein the threshold comprises a percentage number of occurrences of said particular state in relation to the number of occurrences of that state plus other states (page 1 first paragraph of the right column) as claimed.

Per claim 6:

The rejection of claim 1 is incorporated, and further, Marazakis teaches:

the states available to a respective resource in carrying out an allocated process comprise at least failure and success ("collecting performance-related data to identity bottlenecks, as well as for enabling flexible recover and compensation in the event of failures that cause exceptions. Recovery and compensation are possible since the producers of log records can provide sufficient state information," page 5, second paragraph of the left column) as claimed.

Per claim 7:

The rejection of claim 1 is incorporated, and further, Marazakis teaches:

the data received from the process management system in use includes a start time for provision of the relevant service and at least one of said log of processes and said log of states also logs the time taken by at least one identified resource to carry out a process ("Log records can simply define the start and end of steps in a session...the name of the resourced used, the start and ending time," page 4 second paragraph of the right column) as claimed.

Per claims 10-16, they are the method versions of claims 1-7, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1-7 above.

7. Claims 9 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilson et al. (US Patent 6,714,976) hereinafter referred to as "Wilson."

Per claim 9:

Wilson teaches:

-data management system for use in storing and analyzing data generated during use of a process management system in managing processes (MUM database...monitoring agent is ...to provide for enterprise wide monitoring, as all the processes, including those that are distributed, on the clients and the servers can be monitored," col. 4 lines 45-54; "The MUM console...can store this information within the central database...for analysis by an operator," col. 4 lines 55-67; col. 5 lines 1-5)

i) a request input for receiving a data analysis service request from the process management system(col. 6 lines 1-14, 22-30; col 13, lines 20-7)

-a data input for receiving data inputs of at least two different types from the process management system,a service definition store for storing at least one service definition comprising one or more service requirements, including identification of data inputs required for provision of at least one data analysis service in respect of the service definition(col. Lines 49-63; col. 17 lines 52-67; col. 13 lines 13-27; col. 14 lines 16-34)

iv) request processing means for accessing a service definition from the service definition store in accordance with a service identifier contained in a received data analysis service request ("the table...includes an exception identifier..., an associated threshold..., data identifiers and component types for data

collection..., and the system components...that are contacted for performing a data gathering related to the monitoring process," col. Lines 49-63; col. 17 lines 52-67; col. 13 lines 13-27; col. 14 lines 16-34)

-a data input store for storing data inputs from the process management system required for provision of the data management service associated with said service identifier (col. Lines 49-63; col. 17 lines 52-67; col. 13 lines 13-27; col. 14 lines 16-34)

-wherein a first of said two different types of data input comprises representations of service agreements in place in respect of components of the process management system and a second of said two different types of data input comprises indicators that said service agreements have been satisfied in running of a process managed by said process management system ("The rule of the business transaction specification...may be ...listed in a particular order such that the collected data is matched against each rule in succession. Once the application is determined, the collected data may be matched with rules in the business transaction specification...by looking for a portion thereof that matches the application which is associated with the network data," col. 17 lines 38-51) as claimed.

Per claim 17, it is the method version of claim 9, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 9 above.

Response to Arguments

8. Applicant's arguments filed 2/18/2005 have been fully considered but they are not persuasive.

Per claim 1:

The Applicant states that Marazakis does not disclose or suggest that the "data analysis system gets data from the process management system and stores it in the store recited in features b) and c) of the claim."

In response, the claim does not recite specifically what data the data analysis system gets from the process management system and Marazakis states that the "session manager's Logging System receives records related to workflow events from active containers and session managers (page 2, right column, second paragraph)." Further, in Marazakis's Aurora monitoring infrastructure, monitoring "requires applications and resource managers to provide notification of events, as well as mechanisms for accessing application state variables (page 5 first paragraph)" and the "entry for a resource in the repository includes all the essential information that enable monitoring and control of the component (page 5 first paragraph)." Therefore, Marazakis discloses the limitations in claim 1. If applicant means anything more, this must be brought out in the claims to further clarify the invention.

Per claim 9:

The applicant states that: it is not clear what relevant portion, if any, of Wilson et al. '976 is entitled to any date prior to applicant's priority date (page 12)" and "Wilson does not teach "a request input for receiving a data analysis service request from the process management system."

In response, Wilson states that the "module 80 maintains a list 84 of the servers to be monitored...the list of servers is provided to the module 80 by the agent 50, which can receive the list from the MUM console 42. All inbound and outbound traffic on connections to the listed servers is passed by module 80 to the agent 50 (col. 7 lines 36-44)." The agent 50 sends the request for monitoring the list of servers to the module 80. The "MUM console 42 can store the information passed by the agents 30-40 within the central database 44 for analysis...Alternatively, the agents can provide information directly to the MUM databse (col. 4 lines 55-67)." These portions are supported by the priority document 5, 958, 010 (i.e. col. 5 lines 39-55; col. 6 lines 10-30; col. 8 lines 19-26). Therefore Wilson discloses the limitations in the claim. If applicant means anything more, this must be brought out in the claims to further clarify the invention.

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-F 7:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

I. Kang
Examiner
6/9/2005

KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100